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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,360

02/06/2004

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09/04/2007

EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/773,360

Applicant(s)

CREVISTON, JAMES K.

Examiner

Gims S. Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/06/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This is a first office action in response to application no. 10/773,360 filed on February 6th 2004 in which claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, and 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Huffman (US Patent Application Publication no. 2004/0061780 A1).

Regarding claims 1, 5, and 9, Huffman discloses the same system and method of automatically activating an in-car video surveillance system in response to a collision, said method comprising the steps of: (a) providing a law enforcement vehicle with an accelerometer having an axis of operation oriented to cause the accelerometer to be responsive to an impact (See Huffman [0003], lines 1-3, [0083], lines 1-14); (b) producing an output signal when said accelerometer senses a predetermined G force

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indicative of said impact, (See Huffman [0005], lines 1-8, and [0082-0083]); (c) providing an in-car video surveillance system having a video recorder and a record mode initiated in response to a record command (See Huffman [0093], lines 4-13, [0096], lines 6-8), and (d) delivering said record command to said video recorder in response to said output signal, whereby the video surveillance system records the incident responsible for the impact (See Huffman [0069] and [0096]).

As per claims 2, 6 and 10, most of the limitations of these claims have been noted in the above rejection of claims 1, 5 and 9. In addition, Huffman further provides an in-car video surveillance with a history buffer responsive to a record command (See Huffman [0098-0099]).

As per claim 7, most of the limitations of this claim have been noted in the above rejection of claim 5. In addition, Huffman further discloses the same system and method wherein the circuitry includes a comparator responsive to the accelerometer for delivering the output signal when an output voltage from the accelerometer exceeds a preselected input voltage applied to the comparator (See Huffman [0083, and 0086-0088]).

As per claim 8, Huffman further provides an integrated circuit as the accelerometer containing a force sensor and means for converting the response of the sensor to the output voltage (See Huffman [0083-0084]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-4 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US Patent Application Publication no. 2004/0061780 A1).

Regarding claims 3 and 11, most of the limitations of these claims have been noted in the above rejection of claims 1 and 9.

It is noted that Hoffman is silent about providing a second accelerometer having and axis of operation extending transversely of the direction of movement along with circuitry as detailed in the claims.

However, in paragraphs [0083] and [0086] Hoffman notes that the shock sensor, which may be an accelerometer, detects forces in the X and Y directions since the vehicle may be hit from the front, back or sides. Such feature in Hoffman is considered either equivalent to the claimed additional accelerometer, or renders such device an obvious alternate design choice since the main purpose will always be to detect forces in both X and Y directions as noted in Hoffman.

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage to look to Hoffman' sensor to provide the additional accelerometer having

As per claims 4 and 12, most of the limitations of these claims have been noted in the above rejection of claims 3 and 11. In addition, Huffman further provides an in-car video surveillance with a history buffer responsive to a record command (See Huffman [0098-0099]).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Bagué (US Patent no. 6246933) teaches traffic accident data recorder and traffic accident reproduction system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

August 29, 2007